



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1890

by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Procurement Code. Provides that, for purposes of the Code, a person who does not have a contract with the primary contractor is not a subcontractor. Provides that contracts for procurements conducted by the Illinois State Toll Highway Authority shall include only the names and addresses of all known subcontractors with subcontracts with an annual value of more than \$25,000. Provides that for certain subcontracts for procurements, the disclosure of financial interests and the annual certification of continuing eligibility shall be required only from known subcontractors with subcontracts with an annual value of more than \$25,000. Amends the Toll Highway Act. Provides that moneys in the Illinois State Toll Highway Authority Fund may be invested in interest bearing bonds of specified units of government, school district, or political subdivisions or agencies, whether the interest earned the bonds is taxable or tax exempt under federal law, provided such bonds shall be rated at the time of purchase within the 4 highest general classifications established by a rating service of nationally recognized expertise in rating bonds of states and their political subdivisions. Changes certain definitions, makes pronouns gender-neutral, and changes "Chairman" to "Chair". Deletes, repeals, or changes various provisions regarding: the appointment of certain directors; certain salaries; acquisition of certain school property; eminent domain; amnesty for toll evasion; bids and contracts for certain work; new and existing toll highways; legislative intent; certain appropriations; the transfer of powers and duties from another entity; and the Act's effective date. Moves certain provisions from one location in the Act to another location. Makes other changes. Effective immediately.

LRB097 10242 HEP 50440 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by
5 changing Sections 1-15.107, 1-15.108, 20-120, 50-2, and 50-35
6 as follows:

7 (30 ILCS 500/1-15.107)

8 Sec. 1-15.107. Subcontract. "Subcontract" means a contract
9 between a person and a person who has or is seeking a contract
10 subject to this Code, pursuant to which the subcontractor
11 provides to the contractor or another subcontractor some or all
12 of the goods, services, property, remuneration, or other forms
13 of consideration that are the subject of the primary contract
14 and includes, among other things, subleases from a lessee of a
15 State agency. A person who does not have a contract with the
16 primary contractor does not have a subcontract for purposes of
17 this Code.

18 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
19 for the effective date of P.A. 96-795).)

20 (30 ILCS 500/1-15.108)

21 Sec. 1-15.108. Subcontractor. "Subcontractor" means a
22 person or entity that enters into a contractual agreement with

1 a total value of \$25,000 or more with a person or entity who
2 has or is seeking a contract subject to this Code pursuant to
3 which the person or entity provides some or all of the goods,
4 services, property, remuneration, or other forms of
5 consideration that are the subject of the primary State
6 contract, including subleases from a lessee of a State
7 contract. A person who does not have a contract with the
8 primary contractor is not a subcontractor for purposes of this
9 Code.

10 (Source: P.A. 96-920, eff. 7-1-10.)

11 (30 ILCS 500/20-120)

12 Sec. 20-120. Subcontractors.

13 (a) Any contract granted under this Code shall state
14 whether the services of a subcontractor will or may be used.
15 The contract shall include the names and addresses of all known
16 subcontractors with subcontracts with an annual value of more
17 than \$25,000 and the expected amount of money each will receive
18 under the contract. For procurements subject to the authority
19 of the chief procurement officer appointed pursuant to
20 subsection (a) (2) of Section 10-20 or conducted by the Illinois
21 State Toll Highway Authority, the contract shall include only
22 the names and addresses of all known subcontractors of the
23 primary contractor with subcontracts with an annual value of
24 more than \$25,000. The contractor shall provide the chief
25 procurement officer or State purchasing officer a copy of any

1 subcontract with an annual value of more than \$25,000 so
2 identified within 20 days after the execution of the State
3 contract or after execution of the subcontract, whichever is
4 later. A subcontractor, or contractor on behalf of a
5 subcontractor, may identify information that is deemed
6 proprietary or confidential. If the chief procurement officer
7 determines the information is not relevant to the primary
8 contract, the chief procurement officer may excuse the
9 inclusion of the information. If the chief procurement officer
10 determines the information is proprietary or could harm the
11 business interest of the subcontractor, the chief procurement
12 officer may, in his or her discretion, redact the information.
13 Redacted information shall not become part of the public
14 record.

15 (b) If at any time during the term of a contract, a
16 contractor adds or changes any subcontractors, he or she shall
17 promptly notify, in writing, the chief procurement officer,
18 State purchasing officer, or their designee of the names and
19 addresses and the expected amount of money each new or replaced
20 subcontractor will receive. The contractor shall provide to the
21 responsible chief procurement officer a copy of the subcontract
22 within 20 days after the execution of the subcontract.

23 (c) In addition to any other requirements of this Code, a
24 subcontract subject to this Section must include all of the
25 subcontractor's certifications required by Article 50 of the
26 Code.

1 (d) This Section applies to procurements solicited on or
2 after the effective date of this amendatory Act of the 96th
3 General Assembly.

4 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
5 for the effective date of P.A. 96-795); 96-920, eff. 7-1-10.)

6 (30 ILCS 500/50-2)

7 Sec. 50-2. Continuing disclosure; false certification.
8 Every person that has entered into a multi-year contract and
9 every subcontractor with a multi-year subcontract shall
10 certify, by July 1 of each fiscal year covered by the contract
11 after the initial fiscal year, to the responsible chief
12 procurement officer whether it continues to satisfy the
13 requirements of this Article pertaining to eligibility for a
14 contract award. For subcontracts for procurements subject to
15 the authority of the chief procurement officer appointed
16 pursuant to subsection (a)(2) of Section 10-20 or conducted by
17 the Illinois State Toll Highway Authority, the disclosure
18 requirement of this Section shall apply only to known
19 subcontractors of the primary contractor with subcontracts
20 with an annual value of more than \$25,000. If a contractor or
21 subcontractor is not able to truthfully certify that it
22 continues to meet all requirements, it shall provide with its
23 certification a detailed explanation of the circumstances
24 leading to the change in certification status. A contractor or
25 subcontractor that makes a false statement material to any

1 given certification required under this Article is, in addition
2 to any other penalties or consequences prescribed by law,
3 subject to liability under the Illinois False Claims Act for
4 submission of a false claim.

5 (Source: P.A. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793
6 for the effective date of P.A. 96-795); 96-1304, eff. 7-27-10.)

7 (30 ILCS 500/50-35)

8 Sec. 50-35. Financial disclosure and potential conflicts
9 of interest.

10 (a) All offers from responsive bidders or offerors with an
11 annual value of more than \$25,000, and all subcontracts
12 identified as provided by Section 20-120 of this Code, shall be
13 accompanied by disclosure of the financial interests of the
14 contractor, bidder, or proposer and each subcontractor to be
15 used. For subcontracts for procurements subject to the
16 authority of the chief procurement officer appointed pursuant
17 to subsection (a)(2) of Section 10-20 or conducted by the
18 Illinois State Toll Highway Authority, the disclosure
19 requirement of this Section shall apply only to known
20 subcontractors of the primary contractor with subcontracts
21 with an annual value of more than \$25,000. The financial
22 disclosure of each successful bidder or offeror and its
23 subcontractors shall be incorporated as a material term of the
24 contract and shall become part of the publicly available
25 contract or procurement file maintained by the appropriate

1 chief procurement officer. Each disclosure under this Section
2 and Section 50-34 shall be signed and made under penalty of
3 perjury by an authorized officer or employee on behalf of the
4 bidder or offeror, and must be filed with the Procurement
5 Policy Board.

6 (b) Disclosure shall include any ownership or distributive
7 income share that is in excess of 5%, or an amount greater than
8 60% of the annual salary of the Governor, of the disclosing
9 entity or its parent entity, whichever is less, unless the
10 contractor, bidder, or subcontractor (i) is a publicly traded
11 entity subject to Federal 10K reporting, in which case it may
12 submit its 10K disclosure in place of the prescribed
13 disclosure, or (ii) is a privately held entity that is exempt
14 from Federal 10k reporting but has more than 400 shareholders,
15 in which case it may submit the information that Federal 10k
16 reporting companies are required to report under 17 CFR 229.401
17 and list the names of any person or entity holding any
18 ownership share that is in excess of 5% in place of the
19 prescribed disclosure. The form of disclosure shall be
20 prescribed by the applicable chief procurement officer and must
21 include at least the names, addresses, and dollar or
22 proportionate share of ownership of each person identified in
23 this Section, their instrument of ownership or beneficial
24 relationship, and notice of any potential conflict of interest
25 resulting from the current ownership or beneficial
26 relationship of each person identified in this Section having

1 in addition any of the following relationships:

2 (1) State employment, currently or in the previous 3
3 years, including contractual employment of services.

4 (2) State employment of spouse, father, mother, son, or
5 daughter, including contractual employment for services in
6 the previous 2 years.

7 (3) Elective status; the holding of elective office of
8 the State of Illinois, the government of the United States,
9 any unit of local government authorized by the Constitution
10 of the State of Illinois or the statutes of the State of
11 Illinois currently or in the previous 3 years.

12 (4) Relationship to anyone holding elective office
13 currently or in the previous 2 years; spouse, father,
14 mother, son, or daughter.

15 (5) Appointive office; the holding of any appointive
16 government office of the State of Illinois, the United
17 States of America, or any unit of local government
18 authorized by the Constitution of the State of Illinois or
19 the statutes of the State of Illinois, which office
20 entitles the holder to compensation in excess of expenses
21 incurred in the discharge of that office currently or in
22 the previous 3 years.

23 (6) Relationship to anyone holding appointive office
24 currently or in the previous 2 years; spouse, father,
25 mother, son, or daughter.

26 (7) Employment, currently or in the previous 3 years,

1 as or by any registered lobbyist of the State government.

2 (8) Relationship to anyone who is or was a registered
3 lobbyist in the previous 2 years; spouse, father, mother,
4 son, or daughter.

5 (9) Compensated employment, currently or in the
6 previous 3 years, by any registered election or re-election
7 committee registered with the Secretary of State or any
8 county clerk in the State of Illinois, or any political
9 action committee registered with either the Secretary of
10 State or the Federal Board of Elections.

11 (10) Relationship to anyone; spouse, father, mother,
12 son, or daughter; who is or was a compensated employee in
13 the last 2 years of any registered election or re-election
14 committee registered with the Secretary of State or any
15 county clerk in the State of Illinois, or any political
16 action committee registered with either the Secretary of
17 State or the Federal Board of Elections.

18 (b-1) The disclosure required under this Section must also
19 include the name and address of each lobbyist required to
20 register under the Lobbyist Registration Act and other agent of
21 the bidder or offeror who is not identified under subsections
22 (a) and (b) and who has communicated, is communicating, or may
23 communicate with any State officer or employee concerning the
24 bid or offer. The disclosure under this subsection is a
25 continuing obligation and must be promptly supplemented for
26 accuracy throughout the process and throughout the term of the

1 contract if the bid or offer is successful.

2 (b-2) The disclosure required under this Section must also
3 include, for each of the persons identified in subsection (b)
4 or (b-1), each of the following that occurred within the
5 previous 10 years: debarment from contracting with any
6 governmental entity; professional licensure discipline;
7 bankruptcies; adverse civil judgments and administrative
8 findings; and criminal felony convictions. The disclosure
9 under this subsection is a continuing obligation and must be
10 promptly supplemented for accuracy throughout the process and
11 throughout the term of the contract if the bid or offer is
12 successful.

13 (c) The disclosure in subsection (b) is not intended to
14 prohibit or prevent any contract. The disclosure is meant to
15 fully and publicly disclose any potential conflict to the chief
16 procurement officers, State purchasing officers, their
17 designees, and executive officers so they may adequately
18 discharge their duty to protect the State.

19 (d) When a potential for a conflict of interest is
20 identified, discovered, or reasonably suspected, the chief
21 procurement officer or State procurement officer shall send the
22 contract to the Procurement Policy Board. The Board shall
23 recommend, in writing, whether to allow or void the contract,
24 bid, offer, or subcontract weighing the best interest of the
25 State of Illinois. All recommendations shall be submitted to
26 the chief procurement officer. The chief procurement officer

1 must hold a public hearing if the Procurement Policy Board
2 makes a recommendation to (i) void a contract or (ii) void a
3 bid or offer and the chief procurement officer selected or
4 intends to award the contract to the bidder or offeror. A chief
5 procurement officer is prohibited from awarding a contract
6 before a hearing if the Board recommendation does not support a
7 bid or offer. The recommendation and proceedings of any
8 hearing, if applicable, shall become part of the contract, bid,
9 or proposal file and shall be available to the public.

10 (e) These thresholds and disclosure do not relieve the
11 chief procurement officer, the State purchasing officer, or
12 their designees from reasonable care and diligence for any
13 contract, bid, offer, or proposal. The chief procurement
14 officer, the State purchasing officer, or their designees shall
15 be responsible for using any reasonably known and publicly
16 available information to discover any undisclosed potential
17 conflict of interest and act to protect the best interest of
18 the State of Illinois.

19 (f) Inadvertent or accidental failure to fully disclose
20 shall render the contract, bid, proposal, subcontract, or
21 relationship voidable by the chief procurement officer if he or
22 she deems it in the best interest of the State of Illinois and,
23 at his or her discretion, may be cause for barring from future
24 contracts, bids, proposals, subcontracts, or relationships
25 with the State for a period of up to 2 years.

26 (g) Intentional, willful, or material failure to disclose

1 shall render the contract, bid, proposal, subcontract, or
2 relationship voidable by the chief procurement officer if he or
3 she deems it in the best interest of the State of Illinois and
4 shall result in debarment from future contracts, bids,
5 proposals, subcontracts, or relationships for a period of not
6 less than 2 years and not more than 10 years. Reinstatement
7 after 2 years and before 10 years must be reviewed and
8 commented on in writing by the Governor of the State of
9 Illinois, or by an executive ethics board or commission he or
10 she might designate. The comment shall be returned to the
11 responsible chief procurement officer who must rule in writing
12 whether and when to reinstate.

13 (h) In addition, all disclosures shall note any other
14 current or pending contracts, proposals, subcontracts, leases,
15 or other ongoing procurement relationships the bidding,
16 proposing, offering, or subcontracting entity has with any
17 other unit of State government and shall clearly identify the
18 unit and the contract, proposal, lease, or other relationship.

19 (i) The contractor or bidder has a continuing obligation to
20 supplement the disclosure required by this Section throughout
21 the bidding process or during the term of any contract.

22 (Source: P.A. 95-331, eff. 8-21-07; 96-795, eff. 7-1-10 (see
23 Section 5 of P.A. 96-793 for the effective date of changes made
24 by P.A. 96-795); 96-920, eff. 7-1-10.)

25 Section 10. The Toll Highway Act is amended by changing

1 Sections 2, 3, 4, 5, 6, 7, 8, 9, 9.5, 10, 16, 17, 19, 21, 24,
2 26, 29, and 34 as follows:

3 (605 ILCS 10/2) (from Ch. 121, par. 100-2)

4 Sec. 2. The following words and terms as used in this Act
5 shall have the following meanings:

6 (a) The word "Authority" shall mean The Illinois State Toll
7 Highway Authority.

8 (b) The word "person," shall mean any individual, firm,
9 association, partnership, corporation, limited liability
10 company, trustee or legal representative.

11 (c) The word "owner," shall include all individuals,
12 copartnerships, firms, associations, corporations, limited
13 liability companies, trustees or legal representatives, and
14 others having any title or interest in any property, rights or
15 easements authorized to be acquired by this Act.

16 (d) The words "toll highway" or "toll highways," shall mean
17 such highways as are so designed and constructed, in the best
18 professional judgment of the engineering staff responsible, as
19 to accomplish the purposes of this Act.

20 (e) The word "toll" or "tolls" shall mean the compensation
21 to be paid to The Illinois State Toll Highway Authority for the
22 privilege of using any toll highway, or portions or parts
23 thereof, by vehicular or other traffic.

24 (f) The word "cost" as applied to a toll highway shall
25 embrace the cost of construction, including bridges over or

1 under existing highways and railroads, the cost of acquisition
2 of all land, rights of way, property, rights, easements and
3 interests acquired by the Authority for such construction, the
4 cost of demolishing or removing any buildings or structures on
5 land so acquired, including the cost of acquiring any lands to
6 which such buildings or structures may be moved, the cost of
7 diverting highways, interchange of highways, access to roads to
8 private property, including the cost of lands or easements
9 therefor, the cost of all machinery and equipment, financing
10 charges, interest prior to and during construction, and for one
11 or more years after completion of construction, cost of traffic
12 estimates and of engineering and legal expenses, plans,
13 specifications, surveys, estimates of cost and revenues, other
14 expenses necessary or incident to determining the feasibility
15 or practicability of constructing any such toll highway,
16 administrative expenses and such other expense as may be
17 necessary or incident to the construction of the toll highway,
18 the financing of such construction and the placing of the
19 highway in operation.

20 (Source: Laws 1967, p. 2748.)

21 (605 ILCS 10/3) (from Ch. 121, par. 100-3)

22 Sec. 3. There is hereby created an Authority to be known as
23 The Illinois State Toll Highway Authority, which is hereby
24 constituted an instrumentality and an administrative agency of
25 the State of Illinois. The said Authority shall consist of 11

1 directors; the Governor and the Secretary of the Department of
2 Transportation, ex officio, and 9 directors appointed by the
3 Governor with the advice and consent of the Senate, from the
4 State at large, which said directors and their successors are
5 hereby authorized to carry out the provisions of this Act, and
6 to exercise the powers herein conferred. Of the 9 directors
7 appointed by the Governor, no more than 5 shall be members of
8 the same political party. Vacancies shall be filled for the
9 unexpired term in the same manner as original appointments. All
10 appointments shall be in writing and filed with the Secretary
11 of State as a public record. It is the intention of this
12 section that the Governor's appointments shall be made with due
13 consideration to the location of proposed toll highway routes
14 so that maximum geographic representation from the areas served
15 by said toll highway routes may be accomplished insofar as
16 practicable. The said Authority shall have the power to
17 contract and be contracted with, to acquire, hold and convey
18 personal and real property or any interest therein including
19 rights of way, franchises and easements; to have and use a
20 common seal, and to alter the same at will; to make and
21 establish resolutions, by-laws, rules, rates and regulations,
22 and to alter or repeal the same as the Authority shall deem
23 necessary and expedient for the construction, operation,
24 relocation, regulation and maintenance of a system of toll
25 highways within and through the State of Illinois.

26 ~~Appointment of the additional directors provided for by~~

1 ~~this amendatory Act of 1980 shall be made within 30 days after~~
2 ~~the effective date of this amendatory Act of 1980.~~

3 (Source: P.A. 86-1164.)

4 (605 ILCS 10/4) (from Ch. 121, par. 100-4)

5 Sec. 4. Of the directors appointed by the Governor, one
6 such director shall be appointed by the Governor as Chair
7 ~~chairman~~ and shall hold office for 4 years from the date of his
8 or her appointment, and until a ~~his~~ successor shall be duly
9 appointed and qualified, but shall be subject to removal by the
10 Governor for incompetency, neglect of duty or malfeasance.

11 The Chair ~~chairman~~ shall preside at all meetings of the
12 Board of Directors of the Authority; shall exercise general
13 supervision over all powers, duties, obligations and functions
14 of the Authority; and shall approve or disapprove all
15 resolutions, by-laws, rules, rates and regulations made and
16 established by the Board of Directors, and if the Chair ~~he~~
17 shall approve thereof, he or she shall sign the same, and such
18 as the Chair ~~he~~ shall not approve he or she shall return to the
19 Board of Directors with ~~his~~ objections thereto in writing at
20 the next regular meeting of the Board of Directors occurring
21 after the passage thereof. Such veto may extend to any one or
22 more items contained in such resolution, by-law, rule, rate or
23 regulation, or to its entirety; and in case the veto extends to
24 a part of such resolution, by-law, rule, rate or regulation,
25 the residue thereof shall take effect and be in force, but in

1 case the Chair ~~chairman~~ shall fail to return any resolution,
2 by-law, rule, rate or regulation with ~~his~~ objections thereto by
3 the time aforesaid, the Chair ~~he~~ shall be deemed to have
4 approved the same, and the same shall take effect accordingly.
5 Upon the return of any resolution, by-law, rule, rate or
6 regulation by the Chair ~~chairman~~, the vote by which the same
7 was passed shall be reconsidered by the Board of Directors, and
8 if upon such reconsideration two-thirds of all the Directors
9 agree by yeas and nays to pass the same, it shall go into
10 effect notwithstanding the Chair's ~~chairman's~~ refusal to
11 approve thereof.

12 The Chair ~~chairman~~ shall receive a salary ~~of \$18,000 per~~
13 ~~annum, or~~ as set by the Compensation Review Board, ~~whichever is~~
14 ~~greater,~~ payable in monthly installments, together with
15 reimbursement for necessary expenses incurred in the
16 performance of his or her duties. The Chair ~~chairman~~ shall be
17 eligible for reappointment.

18 (Source: P.A. 83-1177.)

19 (605 ILCS 10/5) (from Ch. 121, par. 100-5)

20 Sec. 5. Directors ~~Of the original directors, other than the~~
21 ~~chairman, so appointed by the Governor, 3 shall hold office for~~
22 ~~2 years and 3 shall hold office for 4 years, from the date of~~
23 ~~their appointment and until their respective successors shall~~
24 ~~be duly appointed and qualified, but~~ shall be subject to
25 removal by the Governor for incompetency, neglect of duty or

1 malfeasance. In case of vacancies in such offices during the
2 recess of the Senate, the Governor shall make a temporary
3 appointment until the next meeting of the Senate when the
4 Governor ~~he~~ shall nominate some person to fill such office and
5 any person so nominated, who is confirmed by the Senate, shall
6 hold office during the remainder of the term and until a ~~his~~
7 successor shall be appointed and qualified. Successors ~~The~~
8 ~~respective term of the first directors appointed shall be~~
9 ~~designated by the Governor at the time of appointment, but~~
10 ~~their successors~~ shall each be appointed for a term of four
11 years, except that any person appointed to fill a vacancy shall
12 serve only for the unexpired term. Directors shall be eligible
13 for reappointment.

14 ~~In making the initial appointments of the 2 additional~~
15 ~~directors provided for by this amendatory Act of 1980, the~~
16 ~~respective terms of the 2 additional directors first appointed~~
17 ~~shall be designated by the Governor at the time of appointment~~
18 ~~in such manner that the term of one such additional director~~
19 ~~shall expire at the same time as the terms of 4 of the other~~
20 ~~directors and the term of the other additional director shall~~
21 ~~expire at the same time as the terms of 3 of the other~~
22 ~~directors; thereafter the terms shall be 4 years.~~

23 Each ~~such~~ director, other than ex officio members, shall
24 receive an annual salary ~~of \$15,000, or~~ as set by the
25 Compensation Review Board, ~~whichever is greater,~~ payable in
26 monthly installments, and shall be reimbursed for necessary

1 expenses incurred in the performance of his or her duties.

2 (Source: P.A. 86-1164.)

3 (605 ILCS 10/6) (from Ch. 121, par. 100-6)

4 Sec. 6. Immediately after such appointment and
5 qualification as hereinafter provided said Chair ~~chairman~~ and
6 directors shall enter upon their duties. The directors shall
7 biennially select a Secretary ~~secretary~~, who may or may not be
8 a director, and if not a director fix the Secretary's ~~his~~
9 compensation. Six directors shall constitute a quorum. No
10 vacancy in the said Board of Directors shall impair the right
11 of a quorum of the directors to exercise all the rights and
12 perform all the duties of the Authority.

13 (Source: P.A. 81-1363.)

14 (605 ILCS 10/7) (from Ch. 121, par. 100-7)

15 Sec. 7. The Chair ~~chairman~~ of the Board of Directors shall
16 execute and file as hereinafter provided, a bond in the penal
17 sum of \$100,000. Each other director, other than the ex officio
18 directors shall qualify by executing and filing, as hereinafter
19 provided, a bond in the penal sum of \$25,000, and the Secretary
20 ~~secretary~~, if not a member of the Authority, shall execute and
21 file, as hereinafter provided, a bond in the penal sum of
22 \$15,000. All such bonds shall be payable to the People of the
23 State of Illinois, and be conditioned upon the faithful
24 performance of the duties imposed upon such Chair ~~chairman~~,

1 directors or Secretary ~~secretary~~ under this Act. Said bonds
2 shall be subject to the approval of the Governor and of the
3 Attorney General of the State of Illinois, and shall, when
4 executed and so approved, be filed in the office of the
5 Secretary of State. The said bonds herein required to be
6 furnished shall be with a surety company, or companies,
7 authorized to do business in this State under the laws thereof,
8 and the cost of any official bonds required to be furnished
9 hereunder shall be paid out of any fund subject to expenditure
10 by the Authority.

11 The Chair ~~chairman~~, directors and Secretary ~~secretary~~ of
12 the Authority shall be eligible to participate in all pensions,
13 accident, health and benefit plans established by the Authority
14 for its employees in the same manner and form as all other
15 employees.

16 (Source: Laws 1967, p. 2748.)

17 (605 ILCS 10/8) (from Ch. 121, par. 100-8)

18 Sec. 8. The Authority shall have the power:

19 (a) To acquire, own, use, hire, lease, operate and dispose
20 of personal property, real property (except with respect to the
21 headquarters building and surrounding land of the Authority
22 located at 2700 Ogden Avenue, Downers Grove, Illinois, which
23 may be sold or mortgaged only as provided in Section 7.5 of the
24 State Property Control Act to the extent that such property is
25 subject to the State Property Control Act at the time of the

1 proposed sale), any interest therein, including rights-of-way,
2 franchises and easements.

3 (b) To enter into all contracts and agreements necessary or
4 incidental to the performance of its powers under this Act. All
5 employment contracts let under this Act shall be in conformity
6 with the applicable provisions of the Prevailing Wage Act. ~~"An~~
7 ~~Act regulating wages of laborers, mechanics and other workers~~
8 ~~employed under contracts for public works," approved June 26,~~
9 ~~1941, as amended.~~

10 (c) To employ and discharge, without regard to the
11 requirements of any civil service or personnel act, such
12 administrative, engineering, traffic, architectural,
13 construction, and financial experts, and inspectors, and such
14 other employees, as are necessary in the Authority's judgment
15 to carry out the purposes of this Act; and to establish and
16 administer standards of classification of all of such persons
17 with respect to their compensation, duties, performance, and
18 tenure; and to enter into contracts of employment with such
19 persons for such periods and on such terms as the Authority
20 deems desirable.

21 (d) To appoint by and with the consent of the Attorney
22 General, assistant attorneys for such Authority, which said
23 assistant attorneys shall be under the control, direction and
24 supervision of the Attorney General and shall serve at his or
25 her pleasure.

26 (e) To retain special counsel, subject to the approval of

1 the Attorney General, as needed from time to time, and fix
2 their compensation, provided however, such special counsel
3 shall be subject to the control, direction and supervision of
4 the Attorney General and shall serve at his or her pleasure.

5 (f) To acquire, construct, relocate, operate, regulate and
6 maintain a system of toll highways through and within the State
7 of Illinois. However, the Authority does not have the power to
8 acquire, operate, regulate or maintain any system of toll
9 highways or toll bridges or portions of them (including but not
10 limited to any system organized pursuant to Division 108 of
11 Article 11 of the Illinois Municipal Code) in the event either
12 of the following conditions exists at the time the proposed
13 acquisition, operation, regulation or maintenance of such
14 system is to become effective:

15 (1) the principal or interest on bonds or other instruments
16 evidencing indebtedness of the system are in default; or

17 (2) the principal or interest on bonds or other instruments
18 evidencing indebtedness of the system have been in default at
19 any time during the 5 year period prior to the proposed
20 acquisition.

21 To facilitate such construction, operation and maintenance
22 and subject to the approval of the Division of Highways of the
23 Department of Transportation, the Authority shall have the full
24 use and advantage of the engineering staff and facilities of
25 the Department.

26 (Source: P.A. 93-19, eff. 6-20-03.)

1 (605 ILCS 10/9) (from Ch. 121, par. 100-9)

2 Sec. 9. The Authority shall have the power:

3 (a) To prepare, or cause to be prepared detailed plans,
4 specifications and estimates, from time to time, for the
5 construction, relocation, repair, maintenance and
6 operation of toll highways within and through the State of
7 Illinois.

8 (b) To acquire, hold and use real and personal
9 property, including rights, rights-of-way, franchises,
10 easements and other interests in land as it may desire, or
11 as may be necessary or convenient for its authorized
12 purposes by purchase, gift, grant or otherwise, and to take
13 title thereto; to acquire in the manner that may now or
14 hereafter be provided for by the law of eminent domain of
15 this State, any real or personal property (including road
16 building materials and public lands, parks, playgrounds,
17 reservations, highways or parkways, or parts thereof, or
18 rights therein, of any person, railroad, public service,
19 public utility, or municipality or political subdivision)
20 necessary or convenient for its authorized purpose. Such
21 acquisition of real property, whether by purchase, gift,
22 condemnation or otherwise, wherever necessary or
23 convenient in the discretion of the Authority, may include
24 the extension of existing rights and easements of access,
25 use and crossing held by any person or persons, interests

1 in land abutting on existing highways, and remnants or
2 remainder property; and such acquisitions of real property
3 may be free and clear of, and without any rights or
4 easements of access, use and crossing in favor of any
5 person or persons including interest in any land adjacent
6 or contiguous to the land so acquired, provided however,
7 that nothing herein contained shall be construed to
8 authorize the taking or damaging of any private property
9 for such purposes by the Authority, without just
10 compensation.

11 (c) To accept conveyance of fee simple title to, or any
12 lesser interest in, land, rights or property conveyed by
13 the Department of Transportation under Section 4-508.1 of
14 the Illinois Highway Code.

15 (c-1) To establish presently the approximate locations
16 and widths of rights of way for future additions to the
17 toll highway system to inform the public and prevent costly
18 and conflicting development of the land involved.

19 The Authority shall hold a public hearing whenever
20 approximate locations and widths of rights of way for
21 future toll highway additions are to be established. The
22 hearing shall be held in or near the county or counties in
23 which the land to be used is located and notice of the
24 hearing shall be published in a newspaper or newspapers of
25 general circulation in the county or counties involved. Any
26 interested person or his or her representative may be

1 heard. The Authority shall evaluate the testimony given at
2 the hearing.

3 The Authority shall make a survey and prepare a map
4 showing the location and approximate widths of the rights
5 of way needed for future additions to the toll highway
6 system. The map shall show existing highways in the area
7 involved and the property lines and owners of record of all
8 land that will be needed for the future additions and all
9 other pertinent information. Approval of the map with any
10 changes resulting from the hearing shall be indicated in
11 the record of the hearing and a notice of the approval and
12 a copy of the map shall be filed in the office of the
13 recorder for all counties in which the land needed for
14 future additions is located.

15 Public notice of the approval and filing shall be given
16 in newspapers of general circulation in all counties in
17 which the land is located and shall be served by registered
18 mail within 60 days thereafter on all owners of record of
19 the land needed for future additions.

20 The Authority may approve changes in the map from time
21 to time. The changes shall be filed and notice given in the
22 manner provided for an original map.

23 After the map is filed and notice thereof given to the
24 owners of record of the land needed for future additions,
25 no person shall incur development costs or place
26 improvements in, upon, or under the land involved nor

1 rebuild, alter, or add to any existing structure without
2 first giving 60 days' notice by registered mail to the
3 Authority. This prohibition shall not apply to any normal
4 or emergency repairs to existing structures. The Authority
5 shall have 45 days after receipt of that notice to inform
6 the owner of the Authority's intention to acquire the land
7 involved, after which it shall have an additional 120 days
8 to acquire the land by purchase or to initiate action to
9 acquire the land through the exercise of the right of
10 eminent domain. When the right of way is acquired by the
11 Authority, no damages shall be allowed for any
12 construction, alteration, or addition in violation of this
13 subsection (c-1) unless the Authority has failed to acquire
14 the land by purchase or has abandoned an eminent domain
15 proceeding initiated in accordance with this subsection
16 (c-1).

17 Any right of way needed for additions to the toll
18 highway system may be acquired at any time by the
19 Authority. The time of determination of the value of the
20 property to be taken under this Section for additions to
21 the toll highway system shall be the date of the actual
22 taking, if the property is acquired by purchase, or the
23 date of the filing of a complaint for condemnation, if the
24 property is acquired through the exercise of the right of
25 eminent domain, rather than the date when the map of the
26 proposed right of way was filed of record.

1 (c-2) Not more than 10 years after a protected corridor
2 is established under subsection (c-1), and not later than
3 the expiration of each 10-year period thereafter, the
4 Authority shall hold a public hearing to discuss the
5 viability and feasibility of the protected corridor.
6 Following the hearing and giving due consideration to the
7 information obtained at the hearing, the Board of Directors
8 of the Authority shall vote to either continue or abolish
9 the protected corridor.

10 (d) (Blank). ~~It is hereby declared, as a matter of~~
11 ~~legislative determination, that the fundamental goal of~~
12 ~~the people of Illinois is the educational development of~~
13 ~~all persons to the limits of their capacities, and this~~
14 ~~educational development requires the provision of~~
15 ~~environmentally and physically safe facilities.~~

16 ~~If the building line of a building used primarily for~~
17 ~~the purpose of educating elementary or secondary students~~
18 ~~lies within 100 feet of any ingress or egress ramp that is~~
19 ~~used or that has been used by traffic exiting or entering~~
20 ~~any toll highway operated by the Toll Highway Authority,~~
21 ~~the Toll Highway Authority shall acquire the building,~~
22 ~~together with any property owned, leased, or utilized~~
23 ~~adjacent to it and pertaining to its educational~~
24 ~~operations, from the school district that owns or operates~~
25 ~~it, for just compensation. "Just compensation" for~~
26 ~~purposes of this subsection (d) means the replacement cost~~

1 ~~of the building and adjacent property so that the students~~
2 ~~educated in the building have the opportunity to be~~
3 ~~educated according to standards prevailing in the State of~~
4 ~~Illinois.~~

5 (Source: P.A. 89-297, eff. 8-11-95; 90-681, eff. 7-31-98.)

6 (605 ILCS 10/9.5)

7 Sec. 9.5. Acquisition by purchase or by condemnation. The
8 Authority is authorized to acquire by purchase or by
9 condemnation, in the manner provided for the exercise of the
10 power of eminent domain under the Eminent Domain Act, any and
11 all lands, buildings, and grounds necessary or convenient for
12 its authorized purpose. The Authority shall comply with the
13 federal Uniform Relocation Assistance and Real Property
14 Acquisition Policies Act, Public Law 91-646, as amended, and
15 the implementing regulations in 49 CFR Part 24 and is
16 authorized to operate a relocation program and to pay
17 relocation costs. If there is a conflict between the provisions
18 of this ~~amendatory Act of 1998~~ and the provisions of the
19 federal law or regulations, however, the provisions of this
20 ~~amendatory Act of 1998~~ shall control. The Authority is
21 authorized to exceed the maximum payment limits of the federal
22 Uniform Relocation Assistance and Real Property Acquisition
23 Policies Act when necessary to ensure the provision of decent,
24 safe, or sanitary housing, or to secure a suitable relocation
25 site. The Authority may not adopt rules to implement the

1 federal law or regulations referenced in this Section unless
2 those rules have received the prior approval of the Joint
3 Committee on Administrative Rules.

4 (Source: P.A. 94-1055, eff. 1-1-07.)

5 (605 ILCS 10/10) (from Ch. 121, par. 100-10)

6 Sec. 10. The Authority shall have power:

7 (a) To pass resolutions, make by-laws, rules and
8 regulations for the management, regulation and control of its
9 affairs, and to fix tolls, and to make, enact and enforce all
10 needful rules and regulations in connection with the
11 construction, operation, management, care, regulation or
12 protection of its property or any toll highways, constructed or
13 reconstructed hereunder.

14 (a-5) To fix, assess, and collect civil fines for a
15 vehicle's operation on a toll highway without the required toll
16 having been paid.

17 (a-10)(1) The Authority may establish by rule a system of
18 civil administrative adjudication to adjudicate only alleged
19 instances of a vehicle's operation on a toll highway without
20 the required toll having been paid, as detected by the
21 Authority's video or photo surveillance system.

22 (2) In cases in which the operator of the vehicle is not
23 the registered vehicle owner, the establishment of ownership of
24 the vehicle creates a rebuttable presumption that the vehicle
25 was being operated by an agent of the registered vehicle owner.

1 If the registered vehicle owner liable for a violation under
2 this Section was not the operator of the vehicle at the time of
3 the violation, the owner may maintain an action for
4 indemnification against the operator in the circuit court.

5 (3) Rules establishing a system of civil administrative
6 adjudication must provide for written notice, by first class
7 mail or other means provided by law, to the address of the
8 registered owner of the cited vehicle as recorded with the
9 Secretary of State or to the lessee of the cited vehicle at the
10 last address known to the lessor of the cited vehicle at the
11 time of the lease, of the alleged violation and an opportunity
12 to be heard on the question of the violation and must provide
13 for the establishment of a toll-free telephone number to
14 receive inquiries concerning alleged violations. The notice
15 shall also inform the registered vehicle owner that failure to
16 contest in the manner and time provided shall be deemed an
17 admission of liability and that a final order of liability may
18 be entered on that admission. A duly authorized agent of the
19 Authority may perform or execute the preparation,
20 certification, affirmation, or mailing of the notice.

21 (4) A notice of violation, sworn or affirmed to or
22 certified by a duly authorized agent of the Authority, or a
23 facsimile of the notice, based upon an inspection of
24 photographs, microphotographs, videotape, or other recorded
25 images produced by a video or photo surveillance system, shall
26 be admitted as prima facie evidence of the correctness of the

1 facts contained in the notice or facsimile.

2 (5) Only civil fines, along with the corresponding
3 outstanding toll, and costs may be imposed by administrative
4 adjudication. A fine may be imposed under this paragraph only
5 if a violation is established by a preponderance of the
6 evidence.

7 (6) Judicial review of all final orders of the Authority
8 under this paragraph shall be conducted in the circuit court of
9 the county in which the administrative decision was rendered in
10 accordance with the Administrative Review Law.

11 (7) Any outstanding toll, fine, additional late payment
12 fine, other sanction, or costs imposed, or part of any fine,
13 other sanction, or costs imposed, remaining unpaid after the
14 exhaustion of, or the failure to exhaust, judicial review
15 procedures under the Administrative Review Law are a debt due
16 and owing the Authority and may be collected in accordance with
17 applicable law. After expiration of the period in which
18 judicial review under the Administrative Review Law may be
19 sought, unless stayed by a court of competent jurisdiction, a
20 final order of the Authority under this subsection (a-10) ~~(a-5)~~
21 may be enforced in the same manner as a judgment entered by a
22 court of competent jurisdiction. Notwithstanding any other
23 provision of this Act, the Authority may, with the approval of
24 the Attorney General, retain a law firm or law firms with
25 expertise in the collection of government fines and debts for
26 the purpose of collecting fines, costs, and other moneys due

1 under this subsection (a-10) ~~(a-5)~~.

2 (8) A system of civil administrative adjudication may also
3 provide for a program of vehicle immobilization, tow, or
4 impoundment for the purpose of facilitating enforcement of any
5 final order or orders of the Authority under this subsection
6 (a-10) ~~(a-5)~~ that result in a finding or liability for 5 or
7 more violations after expiration of the period in which
8 judicial review under the Administrative Review Law may be
9 sought. The registered vehicle owner of a vehicle immobilized,
10 towed, or impounded for nonpayment of a final order of the
11 Authority under this subsection (a-10) ~~(a-5)~~ shall have the
12 right to request a hearing before the Authority's civil
13 administrative adjudicatory system to challenge the validity
14 of the immobilization, tow, or impoundment. This hearing,
15 however, shall not constitute a readjudication of the merits of
16 previously adjudicated notices.

17 (9) Judicial review of all final orders of the Authority
18 under this subsection (a-10) ~~(a-5)~~ shall be conducted in the
19 circuit court of the county in which the administrative
20 decision was rendered in accordance with the Administrative
21 Review Law.

22 (10) No commercial entity that is the lessor of a vehicle
23 under a written lease agreement shall be liable for an
24 administrative notice of violation for toll evasion issued
25 under this subsection (a-10) ~~(a-5)~~ involving that vehicle
26 during the period of the lease if the lessor provides a copy of

1 the leasing agreement to the Authority within 21 days of the
2 issue date on the notice of violation. The leasing agreement
3 also must contain a provision or addendum informing the lessee
4 that the lessee is liable for payment of all tolls and any
5 fines for toll evasion. Each entity must also post a sign at
6 the leasing counter notifying the lessee of that liability. The
7 copy of the leasing agreement provided to the Authority must
8 contain the name, address, and driver's license number of the
9 lessee, as well as the check-out and return dates and times of
10 the vehicle and the vehicle license plate number and vehicle
11 make and model.

12 (11) As used in this subsection (a-10) ~~(a-5)~~, "lessor"
13 includes commercial leasing and rental entities but does not
14 include public passenger vehicle entities.

15 (12) The Authority by resolution may ~~shall~~ establish an
16 amnesty program for violations adjudicated under this
17 subsection (a-10) ~~(a-5)~~. ~~Under the program, any person who has~~
18 ~~an outstanding notice of violation for toll evasion or a final~~
19 ~~order of a hearing officer for toll evasion dated prior to the~~
20 ~~effective date of this amendatory Act of the 94th General~~
21 ~~Assembly and who pays to the Authority the full percentage~~
22 ~~amounts listed in this paragraph remaining due on the notice of~~
23 ~~violation or final order of the hearing officer and the full~~
24 ~~fees and costs paid by the Authority to the Secretary of State~~
25 ~~relating to suspension proceedings, if applicable, on or before~~
26 ~~5:00 p.m., Central Standard Time, of the 60th day after the~~

1 ~~effective date of this amendatory Act of the 94th General~~
2 ~~Assembly shall not be required to pay more than the listed~~
3 ~~percentage of the original fine amount and outstanding toll as~~
4 ~~listed on the notice of violation or final order of the hearing~~
5 ~~officer and the full fees and costs paid by the Authority to~~
6 ~~the Secretary of State relating to suspension proceedings, if~~
7 ~~applicable. The payment percentage scale shall be as follows: a~~
8 ~~person with 25 or fewer violations shall be eligible for~~
9 ~~amnesty upon payment of 50% of the original fine amount and the~~
10 ~~outstanding tolls; a person with more than 25 but fewer than 51~~
11 ~~violations shall be eligible for amnesty upon payment of 60% of~~
12 ~~the original fine amount and the outstanding tolls; and a~~
13 ~~person with 51 or more violations shall be eligible for amnesty~~
14 ~~upon payment of 75% of the original fine amount and the~~
15 ~~outstanding tolls. In such a situation, the Executive Director~~
16 ~~of the Authority or his or her designee is authorized and~~
17 ~~directed to waive any late fine amount above the applicable~~
18 ~~percentage of the original fine amount. Partial payment of the~~
19 ~~amount due shall not be a basis to extend the amnesty payment~~
20 ~~deadline nor shall it act to relieve the person of liability~~
21 ~~for payment of the late fine amount. In order to receive~~
22 ~~amnesty, the full amount of the applicable percentage of the~~
23 ~~original fine amount and outstanding toll remaining due on the~~
24 ~~notice of violation or final order of the hearing officer and~~
25 ~~the full fees and costs paid by the Authority to the Secretary~~
26 ~~of State relating to suspension proceedings, if applicable,~~

1 ~~must be paid in full by 5:00 p.m., Central Standard Time, of~~
2 ~~the 60th day after the effective date of this amendatory Act of~~
3 ~~the 94th General Assembly. This amendatory Act of the 94th~~
4 ~~General Assembly has no retroactive effect with regard to~~
5 ~~payments already tendered to the Authority that were full~~
6 ~~payments or payments in an amount greater than the applicable~~
7 ~~percentage, and this Act shall not be the basis for either a~~
8 ~~refund or a credit. This amendatory Act of the 94th General~~
9 ~~Assembly does not apply to toll evasion citations issued by the~~
10 ~~Illinois State Police or other authorized law enforcement~~
11 ~~agencies and for which payment may be due to or through the~~
12 ~~clerk of the circuit court. The Authority shall adopt rules as~~
13 ~~necessary to implement the provisions of this amendatory Act of~~
14 ~~the 94th General Assembly. The Authority, by a resolution of~~
15 ~~the Board of Directors, shall have the discretion to implement~~
16 ~~similar amnesty programs in the future.~~

17 (13) The Authority, at its discretion and in consultation
18 with the Attorney General, is further authorized to settle an
19 administrative fine or penalty if it determines that settling
20 for less than the full amount is in the best interests of the
21 Authority after taking into account the following factors: (i)
22 ~~(1)~~ the merits of the Authority's claim against the respondent;
23 (ii) ~~(2)~~ the amount that can be collected relative to the
24 administrative fine or penalty owed by the respondent; (iii)
25 ~~(3)~~ the cost of pursuing further enforcement or collection
26 action against the respondent; (iv) ~~(4)~~ the likelihood of

1 collecting the full amount owed; and (v) ~~(5)~~ the burden on the
2 judiciary. The provisions in this Section may be extended to
3 other toll facilities in the State of Illinois through a duly
4 executed agreement between the Authority and the operator of
5 the toll facility.

6 (b) To prescribe rules and regulations applicable to
7 traffic on highways under the jurisdiction of the Authority,
8 concerning:

9 (1) Types of vehicles permitted to use such highways or
10 parts thereof, and classification of such vehicles;

11 (2) Designation of the lanes of traffic to be used by
12 the different types of vehicles permitted upon said
13 highways;

14 (3) Stopping, standing, and parking of vehicles;

15 (4) Control of traffic by means of police officers or
16 traffic control signals;

17 (5) Control or prohibition of processions, convoys,
18 and assemblages of vehicles and persons;

19 (6) Movement of traffic in one direction only on
20 designated portions of said highways;

21 (7) Control of the access, entrance, and exit of
22 vehicles and persons to and from said highways; and

23 (8) Preparation, location and installation of all
24 traffic signs; and to prescribe further rules and
25 regulations applicable to such traffic, concerning matters
26 not provided for either in the foregoing enumeration or in

1 the Illinois Vehicle Code. Notice of such rules and
2 regulations shall be posted conspicuously and displayed at
3 appropriate points and at reasonable intervals along said
4 highways, by clearly legible markers or signs, to provide
5 notice of the existence of such rules and regulations to
6 persons traveling on said highways. At each toll station,
7 the Authority shall make available, free of charge,
8 pamphlets containing all of such rules and regulations.

9 (c) The Authority, in fixing the rate for tolls for the
10 privilege of using the said toll highways, is authorized and
11 directed, in fixing such rates, to base the same upon annual
12 estimates to be made, recorded and filed with the Authority.
13 Said estimates shall include the following: The estimated total
14 amount of the use of the toll highways; the estimated amount of
15 the revenue to be derived therefrom, which said revenue, when
16 added to all other receipts and income, will be sufficient to
17 pay the expense of maintaining and operating said toll
18 highways, including the administrative expenses of the
19 Authority, and to discharge all obligations of the Authority as
20 they become due and payable.

21 (d) To accept from any municipality or political
22 subdivision any lands, easements or rights in land needed for
23 the operation, construction, relocation or maintenance of any
24 toll highways, with or without payment therefor, and in its
25 discretion to reimburse any such municipality or political
26 subdivision out of its funds for any cost or expense incurred

1 in the acquisition of land, easements or rights in land, in
2 connection with the construction and relocation of the said
3 toll highways, widening, extending roads, streets or avenues in
4 connection therewith, or for the construction of any roads or
5 streets forming extension to and connections with or between
6 any toll highways, or for the cost or expense of widening,
7 grading, surfacing or improving any existing streets or roads
8 or the construction of any streets and roads forming extensions
9 of or connections with any toll highways constructed,
10 relocated, operated, maintained or regulated hereunder by the
11 Authority. Where property owned by a municipality or political
12 subdivision is necessary to the construction of an approved
13 toll highway, if the Authority cannot reach an agreement with
14 such municipality or political subdivision and if the use to
15 which the property is being put in the hands of the
16 municipality or political subdivision is not essential to the
17 existence or the administration of such municipality or
18 political subdivision, the Authority may acquire the property
19 by condemnation.

20 (Source: P.A. 94-636, eff. 8-22-05.)

21 (605 ILCS 10/16) (from Ch. 121, par. 100-16)

22 Sec. 16. (a) All Authority contracts shall be let in
23 accordance with the requirements ~~for the construction of any~~
24 ~~work authorized to be done under the provisions of the Act,~~
25 ~~where the amount thereof is in excess of a small purchase~~

1 ~~amount, as defined in Section 20-20 of the Illinois Procurement~~
2 ~~Code, shall be let to the lowest responsible bidder, or~~
3 ~~bidders, on open, competitive bidding after public~~
4 ~~advertisement made at least 15 days prior to the opening of~~
5 ~~bids, in the Illinois Procurement Bulletin, in such manner and~~
6 ~~at such intervals, as may be prescribed by the Authority except~~
7 ~~for contracts for the completion of a terminated or defaulted~~
8 ~~contract. The successful bidders for such work shall enter into~~
9 ~~contracts furnished and prescribed by the Authority. Such~~
10 ~~contracts shall contain a provision that such successful bidder~~
11 ~~shall indemnify and save harmless the State of Illinois for any~~
12 ~~accidental injuries or damages arising out of his negligence in~~
13 ~~the performance of such contract, and shall, and in addition,~~
14 ~~execute and give bonds, payable to the Authority, with a~~
15 ~~corporate surety authorized to do business under the laws of~~
16 ~~the State of Illinois, equal to at least 50% of the contract~~
17 ~~price, one conditioned upon faithful performance of the~~
18 ~~contract and the other for the payment of all labor furnished~~
19 ~~and materials supplied in the prosecution of the contracted~~
20 ~~work.~~

21 (b) A director, employee, or agent of the Authority may not
22 receive a financial benefit from a contract let by the
23 Authority during his or her term of service with the Authority
24 and for a period of one year following the termination of his
25 or her term of service as a director of the Authority or as an
26 employee or agent of the Authority.

1 (c) A member of the immediate family or household of a
2 director, employee, or agent of the Authority may not receive a
3 financial benefit from a contract let by the Authority during
4 the immediate family or household member's term of service with
5 the Authority and for a period of one year following the
6 termination of the immediate family or household member's term
7 of service as a director of the Authority or as an employee or
8 agent of the Authority.

9 (d) A director, employee, or agent of the Authority may not
10 use material non-public information for personal financial
11 gain nor may he or she disclose that information to any other
12 person for that person's personal financial gain when that
13 information was obtained as a result of his or her
14 directorship, employment, or agency with the Authority.

15 (e) A member of the immediate family or household of a
16 director, employee, or agent of the Authority may not use
17 material non-public information for personal financial gain
18 nor may he or she disclose that information to any other person
19 for that person's personal financial gain when that information
20 was obtained as a result of his or her immediate family or
21 household member's directorship, employment, or agency with
22 the Authority.

23 (f) For purposes of this Section, "immediate family or
24 household member" means the spouse, child, parent, brother,
25 sister, grandparent, or grandchild, whether of the whole blood
26 or half blood or by adoption, or a person who shares a common

1 dwelling with a director of the Authority or with an employee
2 or agent of the Authority.

3 (g) Consistent with general law, the Authority shall:

4 (1) set goals for the award of contracts to
5 disadvantaged businesses and attempt to meet the goals;

6 (2) attempt to identify disadvantaged businesses that
7 provide or have the potential to provide supplies,
8 materials, equipment, or services to the Authority;

9 (3) give disadvantaged businesses full access to the
10 Authority's contact bidding process, inform the businesses
11 about the process, offer the businesses assistance
12 concerning the process, and identify and take all
13 reasonable steps to remove barriers to the businesses'
14 participation in the process.

15 (Source: P.A. 96-592, eff. 8-18-09.)

16 (605 ILCS 10/17) (from Ch. 121, par. 100-17)

17 Sec. 17. (a) The Authority may from time to time issue
18 bonds for any lawful purpose including, without limitation, the
19 costs of issuance thereof and all such bonds or other
20 obligations of the Authority issued pursuant to this Act shall
21 be and are hereby declared to be negotiable for all purposes
22 notwithstanding their payment from a limited source and without
23 regard to any other law or laws.

24 (b) The bonds of every issue shall be payable solely out of
25 revenues of the Authority, accumulated reserves or sinking

1 funds, bond proceeds, proceeds of refunding bonds, or
2 investment earnings as the Authority shall specify in a bond
3 resolution.

4 (c) The bonds may be issued as serial bonds or as term
5 bonds, or the Authority, in its discretion, may issue bonds of
6 both types. The bonds shall be authorized by a bond resolution
7 of the Authority, may be issued in one or more series and shall
8 bear such date or dates, mature at such time or times not
9 exceeding 25 years from their respective date or dates of
10 issue, bear interest at such rate or rates, fixed or variable,
11 without regard to any limit contained in any other statute or
12 law of the State of Illinois, be payable as to principal and
13 interest at such time or times, be in such denominations, be in
14 such form, either coupon or fully registered, carry such
15 registration and conversion privileges, be payable in lawful
16 money of the United States of America at such places, be
17 subject to such terms of redemption and may contain such other
18 terms and provisions, as such bond resolution or resolutions
19 may provide. The bonds shall be executed by the manual or
20 facsimile signatures of the Chair ~~Chairman~~ and the Secretary.
21 In case any of the officers whose signature appears on the
22 bonds or coupons, if any, shall cease to be an officer before
23 the delivery of such bonds, such signature shall nevertheless
24 be valid and sufficient for all purposes, as if he or she had
25 remained in office until such delivery. The bonds shall be sold
26 in such manner as the Authority shall determine. The proceeds

1 from the sale of such bonds shall be paid to the Treasurer of
2 the State of Illinois as ex officio custodian. Pending
3 preparation of the definitive bonds, the Authority may issue
4 interim receipts or certificates which shall be exchanged for
5 such definitive bonds.

6 (d) Any bond resolution, or trust indenture entered into
7 pursuant to a bond resolution, may contain provisions, which
8 shall be a part of the contract with the holders of the bonds
9 to be authorized, as to: (i) pledging or creating a lien upon
10 all or part of the revenues of the Authority or any reserves,
11 sinking funds, bond proceeds or investment earnings; (ii) the
12 setting aside of reserves or sinking funds, and the regulation,
13 investment and disposition thereof; (iii) the use and
14 maintenance requirements for the toll highways; (iv) the
15 purposes to which or the investments in which the proceeds of
16 sale of any series or issue of bonds then or thereafter to be
17 issued may be applied; (v) the issuance of additional bonds,
18 the terms upon which additional bonds may be issued and
19 secured, the purposes for such additional bonds, and the terms
20 upon which additional bonds may rank on a parity with, or be
21 subordinate or superior to other bonds; (vi) the refunding of
22 outstanding bonds; (vii) the procedure, if any, by which the
23 terms of any contract with bondholders may be amended or
24 abrogated, the amount of bonds the holders of which must
25 consent thereto, and the manner in which such consent may be
26 given; (viii) defining the acts or omissions to act which shall

1 constitute a default in the duties of the Authority to holders
2 of its obligations and providing the rights and remedies of
3 such holders in the event of a default; (ix) any other matters
4 relating to the bonds which the Authority deems desirable.

5 (e) Neither the directors of the Authority nor any person
6 executing the bonds shall be liable personally on the bonds or
7 be subject to any personal liability or accountability by
8 reason of the issuance thereof.

9 (f) The Authority shall have power out of any funds
10 available therefor to purchase its bonds. The Authority may
11 hold, pledge, cancel or resell such bonds subject to and in
12 accordance with agreements with bondholders.

13 (g) In the discretion of the Authority any bonds issued
14 under the provisions of this Act may be secured by a trust
15 indenture by and between the Authority and a trustee or
16 trustees, which may be any trust company or bank in the State
17 of Illinois having the powers of a trust company and possessing
18 capital and surplus of not less than \$50,000,000. The bond
19 resolution or trust indenture providing for the issuance of
20 bonds so secured shall pledge such revenues of the Authority,
21 sinking funds, bond proceeds, or investment earnings as may be
22 specified therein, may contain such provisions for protecting
23 and enforcing the rights and remedies of the bondholders as may
24 be reasonable and proper and not in violation of law, including
25 particularly such provisions as have hereinabove been
26 specifically authorized to be included in any bond resolution

1 or trust indenture of the Authority, and may restrict the
2 individual right of action by bondholders. In addition to the
3 foregoing, any bond resolution or trust indenture may contain
4 such other provisions as the Authority may deem reasonable and
5 proper for the security of the bondholders, including, but not
6 limited to, the purchase of bond insurance and the arrangement
7 of letters of credit, lines of credit or other credit or
8 liquidity enhancement facilities; provided there shall be no
9 pledge of the toll highway or any part thereof. All expenses
10 incurred in carrying out the provisions of any bond resolution
11 or trust indenture may be treated as a part of the cost of the
12 operation of the toll highways.

13 (h) Bonds issued under the authority of this Act do not,
14 and shall state upon the face of each bond that they do not,
15 represent or constitute a debt of the Authority or of the State
16 of Illinois within the meaning of any constitutional or
17 statutory limitation or a pledge of the faith and credit of the
18 Authority or the State of Illinois, or grant to the owners or
19 holders thereof any right to have the Authority or the General
20 Assembly levy any taxes or appropriate any funds for the
21 payment of the principal thereof or interest thereon. Such
22 bonds shall be payable and shall state that they are payable
23 solely from the revenues and the sources authorized under this
24 Act and pledged for their payment in accordance with the bond
25 resolution or trust indenture.

26 Nothing in this Act shall be construed to authorize the

1 Authority or any department, board, commission or other agency
2 to create an obligation of the State of Illinois within the
3 meaning of the Constitution or Statutes of Illinois.

4 (i) Any resolution or trust indenture authorizing the
5 issuance of the bonds may include provision for the issuance of
6 additional bonds. All resolutions of the Authority to carry
7 such adopted bond resolutions into effect, to provide for the
8 sale and delivery of the bonds, for letting of contracts for
9 the construction of toll highways and the acquisition of real
10 and personal property deemed by the Authority necessary or
11 convenient for the construction thereof, shall not require the
12 approval of the Governor or of any other department, division,
13 commission, bureau, board or other agency of the State.

14 (Source: P.A. 83-1258.)

15 (605 ILCS 10/19) (from Ch. 121, par. 100-19)

16 Sec. 19. The Authority shall fix and revise from time to
17 time, tolls or charges or rates for the privilege of using each
18 of the toll highways constructed pursuant to this Act. Such
19 tolls shall be so fixed and adjusted at rates calculated to
20 provide the lowest reasonable toll rates that will provide
21 funds sufficient with other revenues of the Authority to pay,
22 (a) the cost of the construction of a new toll highway
23 authorized by joint resolution of the General Assembly pursuant
24 to Section 14.1 and the reconstruction, major repairs or
25 improvements of existing toll highways, (b) the cost of

1 maintaining, repairing, regulating and operating the toll
2 highways including only the necessary expenses of the
3 Authority, and (c) the principal of all bonds, interest thereon
4 and all sinking fund requirements and other requirements
5 provided by resolutions authorizing the issuance of the bonds
6 as they shall become due. In fixing the toll rates pursuant to
7 this Section 19 ~~and Section 10(c) of this Act~~, the Authority
8 shall take into account the effect of the provisions of this
9 Section 19 permitting the use of the toll highway system
10 without payment of the covenants of the Authority contained in
11 the resolutions and trust indentures authorizing the issuance
12 of bonds of the Authority. No such provision permitting the use
13 of the toll highway system without payment of tolls ~~after the~~
14 ~~date of this amendatory Act of the 95th General Assembly~~ shall
15 be applied in a manner that impairs the rights of bondholders
16 pursuant to any resolution or trust indentures authorizing the
17 issuance of bonds of the Authority. The use and disposition of
18 any sinking or reserve fund shall be subject to such regulation
19 as may be provided in the resolution or trust indenture
20 authorizing the issuance of the bonds. Subject to the
21 provisions of any resolution or trust indenture authorizing the
22 issuance of bonds any moneys in any such sinking fund in excess
23 of an amount equal to one year's interest on the bonds then
24 outstanding secured by such sinking fund may be applied to the
25 purchase or redemption of bonds. All such bonds so redeemed or
26 purchased shall forthwith be cancelled and shall not again be

1 issued. No person shall be permitted to use any toll highway
2 without paying the toll established under this Section except
3 when on official Toll Highway Authority business which includes
4 police and other emergency vehicles. However, any law
5 enforcement agency vehicle, fire department vehicle, or other
6 emergency vehicle that is plainly marked shall not be required
7 to pay a toll to use a toll highway. A law enforcement, fire
8 protection, or emergency services officer driving a law
9 enforcement, fire protection, or emergency services agency
10 vehicle that is not plainly marked must present an Official
11 Permit Card which the law enforcement, fire protection, or
12 emergency services officer receives from his or her law
13 enforcement, fire protection, or emergency services agency in
14 order to use a toll highway without paying the toll. A law
15 enforcement, fire protection, or emergency services agency
16 must apply to the Authority to receive a permit, and the
17 Authority shall adopt rules for the issuance of a permit, that
18 allows all law enforcement, fire protection, or emergency
19 services agency vehicles of the law enforcement, fire
20 protection, or emergency services agency that are not plainly
21 marked to use any toll highway without paying the toll
22 established under this Section. The Authority shall maintain in
23 its office a list of all persons that are authorized to use any
24 toll highway without charge when on official business of the
25 Authority and such list shall be open to the public for
26 inspection. In recognition of the unique role of the Suburban

1 Bus Division of the Regional Transportation Authority in
2 providing effective transportation in the Authority's service
3 region and to give effect to the exemption set forth in
4 subsection (b) of Section 2.06 of the Regional Transportation
5 Authority Act, a vehicle owned or operated by the Suburban Bus
6 Division of the Regional Transportation Authority that is being
7 used to transport passengers for hire may use any toll highway
8 without paying the toll.

9 ~~Among other matters, this amendatory Act of 1990 is~~
10 ~~intended to clarify and confirm the prior intent of the General~~
11 ~~Assembly to allow toll revenues from the toll highway system to~~
12 ~~be used to pay a portion of the cost of the construction of the~~
13 ~~North-South Toll Highway authorized by Senate Joint Resolution~~
14 ~~122 of the 83rd General Assembly in 1984.~~

15 (Source: P.A. 95-327, eff. 1-1-08.)

16 (605 ILCS 10/21) (from Ch. 121, par. 100-21)

17 Sec. 21. When all bonds including refunding bonds and all
18 interest thereon have been paid, or a sufficient amount for the
19 payment of all bonds and interest due or accrued thereon has
20 been set aside in trust for the benefit of the bondholders and
21 shall continue to be held for that purpose, ~~and when all money~~
22 ~~appropriated by the General Assembly has been repaid as~~
23 ~~provided by Section 18 of this Act,~~ the toll highways and any
24 connecting tunnels, bridges, approaches or other appurtenances
25 to such toll highways shall become a part of the system of the

1 State highways of the State of Illinois, and be maintained and
2 operated free of tolls.

3 When all the obligations and all bonds including refunding
4 bonds of the Authority have been paid, or the payment therefor
5 has been provided as is required herein, the Authority shall be
6 dissolved and all funds of the Authority not required for the
7 payment of bonds, interest, machinery, equipment, property or
8 other obligations of the Authority shall be paid to the State
9 Treasurer.

10 (Source: P.A. 83-1258.)

11 (605 ILCS 10/24) (from Ch. 121, par. 100-24)

12 Sec. 24. Except as otherwise provided in any bond
13 resolution, the proceeds derived from the sale of bonds, and
14 all receipts and income derived from tolls, licenses, gifts,
15 donations, concessions, fees, rentals, and all other revenues
16 from whatever source derived, shall, within three days after
17 receipt thereof, be paid to the Treasurer of the State of
18 Illinois, and held by the Treasurer ~~him~~ as a special fund known
19 as the Illinois State Toll Highway Authority Fund, except that
20 the Authority may retain portions of the Illinois State Toll
21 Highway Authority Fund as a locally maintained construction
22 fund revolving account and as a revenue fund revolving account,
23 where authorized by a bond resolution, and as locally
24 maintained change funds, where necessary for the operations of
25 the Authority. The State Treasurer shall be ex officio

1 custodian of such special fund, which fund shall be held,
2 invested and disbursed for the purposes provided herein upon
3 the order of the Authority and in accordance with provisions
4 and covenants of any bond resolution authorizing the issuance
5 of bonds which have not been paid or deemed paid.
6 Notwithstanding any limitation or restriction contained in any
7 other law of the State of Illinois, moneys in the fund may be
8 invested in interest bearing bonds of any county, township,
9 city, village, incorporated town, municipal corporation, or
10 school district of the State of Illinois, of any other state,
11 or of any political subdivision or agency of the State of
12 Illinois or of any other state, whether the interest earned
13 thereon is taxable or tax exempt under federal law, provided
14 such bonds shall be rated at the time of purchase within the 4
15 highest general classifications established by a rating
16 service of nationally recognized expertise in rating bonds of
17 states and their political subdivisions. The interest accruing
18 on said special fund shall be computed and added to the
19 principal thereof every six months. In addition to the special
20 audits prescribed by this Act, the said fund shall also be
21 subject to audit in the same manner as is now, or may
22 hereinafter be, provided for the audit of State funds and
23 accounts. The said special fund shall be protected by a
24 corporate surety bond, executed by the Treasurer, with a surety
25 authorized to do business under the laws of the State of
26 Illinois. The amount of said bond shall be fixed by resolution

1 of the Authority, approved by the Governor, and may be
2 increased or diminished at any time. The premiums on said bond
3 shall be payable from the funds of the Authority. The bond
4 shall be subject to the approval of the Governor and Attorney
5 General of the State of Illinois, and, when so approved, shall
6 be filed in the office of the Secretary of State. Said special
7 fund shall be considered always appropriated for the purposes
8 of disbursements, as provided in this Act, and shall be paid
9 out and disbursed only as provided herein, and shall not, at
10 any time be appropriated or diverted to any other use or
11 purpose.

12 (Source: P.A. 83-1258.)

13 (605 ILCS 10/26) (from Ch. 121, par. 100-26)

14 Sec. 26.

15 Any person who violates any resolution, rule or regulation,
16 adopted or promulgated by the Authority, pursuant to subsection
17 (b) of Section 10, ~~paragraph (b) of this Act,~~ shall be guilty
18 of a petty offense.

19 (Source: P.A. 77-2239.)

20 (605 ILCS 10/29) (from Ch. 121, par. 100-29)

21 Sec. 29. Every Chair ~~chairman~~, director, or officer of the
22 Authority who is guilty of a palpable omission of duty, or who
23 is guilty of willful and corrupt oppression, malconduct, or
24 misfeasance in office in discharge of the duties of his or her

1 office shall be liable to indictment in any court of competent
2 jurisdiction and shall be guilty of a Class A misdemeanor. Any
3 conviction hereunder shall constitute grounds for removal as
4 provided in Sections 4 and 5 of this Act.

5 (Source: P.A. 77-2239.)

6 (605 ILCS 10/34) (from Ch. 121, par. 100-34)

7 Sec. 34. ~~The This Act becomes effective April 1, 1968 and~~
8 ~~the~~ provisions of this Act are severable and if any of its
9 provisions shall be held to be unconstitutional by any court of
10 competent jurisdiction, the decision of such court shall not
11 affect or impair any of the remaining provisions.

12 (Source: Laws 1967, p. 2748.)

13 (605 ILCS 10/9.60 rep.)

14 (605 ILCS 10/16.1 rep.)

15 (605 ILCS 10/16.2 rep.)

16 (605 ILCS 10/16.3 rep.)

17 (605 ILCS 10/18 rep.)

18 (605 ILCS 10/33 rep.)

19 (605 ILCS 10/35 rep.)

20 Section 15. The Toll Highway Act is amended by repealing
21 Sections 9.60, 16.1, 16.2, 16.3, 18, 33, and 35.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.

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